

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVERYTOWN FOR GUN SAFETY
ACTION FUND, INC.,

Plaintiff,

- against -

DEFCAD USER FREEMAN1337,

Defendant.

**DEFAULT JUDGMENT
AND PERMANENT
INJUNCTION ORDER**

21 Civ. 8704 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS Plaintiff moved for sanctions against Defendant Defcad User Freeman1337 (“Freeman1337”) on April 5, 2023 (Dkt. No. 169);

WHEREAS this Court granted Plaintiff’s motion in part, striking Freeman1337’s motion to dismiss on September 27, 2023 (the “Sanctions Order”). The Sanctions Order did not grant Plaintiff’s request that a default judgment be entered against Freeman1337, but directed Freeman1337 to show cause why default judgment should not be entered against him at an October 11, 2023 hearing. Freeman1337’s opposition papers were due on October 4, 2023 (Dkt. No. 185);

WHEREAS an affidavit of service was filed by Plaintiff on October 4, 2023, stating that Plaintiff had served Freeman1337 with the Sanctions Order and supporting papers on September 28, 2023 (Dkt. No. 189);

WHEREAS Defendant has filed no opposition to Plaintiff’s motion for sanctions and default judgment, has not otherwise complied with the Sanctions Order, and did not appear at the October 11, 2023 hearing; and

WHEREAS this Court has considered the Memorandum of Law (Dkt. No. 170) and Declaration of Maria Sinatra (Dkt. No. 171) in support of Plaintiff’s motion for sanctions

and default judgment against Freeman1337, and all other pleadings and papers on file in this action;

It is hereby ORDERED, for the reasons stated in open court at the October 11, 2023 hearing, that default judgment is entered against Freeman1337.

It is further ORDERED that

- A. Defendant Defcad User Freeman1337, including through the use of his online account usernames Odysee User freeman1337 GunCAD Mirror and Twitter User Freeman13372, and its officers, agents, servants, employees, and attorneys, and all those in active concert or participation with it, who receive actual notice of this Order by personal service or otherwise (the “Freeman1337 Enjoined Parties”), are permanently enjoined from anywhere in the world from directly or indirectly:
1. Advertising, promoting, offering to sell, selling and/or distributing downloadable files for the manufacture of 3-D printed guns, gun parts and/or accessories, or any similar product, bearing the Everytown Marks¹, any colorable imitation of the Everytown Marks, or any term or mark confusingly similar thereto, likely to cause consumer confusion as to the source of the product or relationship between the parties, or likely to cause dilution of the distinctiveness of the Everytown Marks or injury to the business reputation of Plaintiff Everytown or any of its affiliates; and
 2. Representing by any means whatsoever that the Enjoined Parties, or any products or services offered by the Enjoined Parties, including Infringing Product listings provided via the Internet, are associated in any way with Plaintiff or its products or services, and from taking any other action likely to cause confusion or mistake on the part of Internet users or consumers;
 3. Representing that the Enjoined Parties are affiliated with Everytown, or that any goods or services offered, advertised, promoted, sold or are otherwise distributed by the Enjoined Parties are offered by, sponsored by, or affiliated with Everytown, when they are not;
 4. Attempting, encouraging, enabling, facilitating, profiting from, causing, or assisting in any of the above-described acts, including but not limited to enabling others in the above-described acts, or providing information or means to others to allow them to do so; and
 5. Forming or causing to be formed any corporation or other entity that engages in the above-described acts.
- B. Without limiting the foregoing, the prohibited acts set forth in Paragraph A include, but are not limited to, the Freeman1337 Enjoined Parties individually,

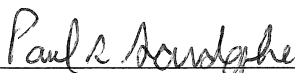
¹ Defined as within **Exhibit A** to this order.

jointly, and/or through any entity or person, controlled by and/or affiliated with them, doing any of the following:

1. Advertising, promoting, offering to sell, selling, or distributing, the Infringing Product known as “AR15 22lr magazine - 25 round capacity - CMMG compatible” (<https://odysee.com/@freeman1337-GunCAD-Mirror:b/freeman1337:7>) and “Everytown” 3D Printable AR 15 22LR Magazine” (<https://defcad.com/library/c4e0a685-04ad-4034-ab25-44f90b09a725/>);
 2. Advertising, promoting, offering to sell, selling, or distributing any firearm, firearm part, or firearm accessory bearing the Everytown Marks or any colorable imitation thereof or any trademark that is likely to cause confusion with any of the Everytown Marks; and
 3. Representing to the public that any product, including but not limited to, any Infringing Products, firearm, firearm parts, or firearm accessories, were designed or otherwise created by the Defendants on behalf of Everytown.
- C. Freeman1337 has not disclosed his identity or other personal identifying information to the Court or Everytown pursuant to the Court’s discovery orders, and as Freeman1337 is likely to make slight modifications to his online account handles to avoid detection, should Everytown identify products or activities in violation of the foregoing provisions concerning online accounts with similar or identical usernames to “Freeman1337”, “Freeman13372”, or “freeman1337 GunCAD Mirror”, Everytown may serve this order on relevant third parties to ensure compliance with this injunction.
- D. Violation of any or all of the foregoing provisions shall be punishable by contempt of court, and such other, further relief this Court deems just and proper. As detailed in this Court’s previous November 5, 2021 Order, the Plaintiff is permitted to serve this Order on Freeman1337 via electronic means.

Dated: New York, New York
November 17, 2023

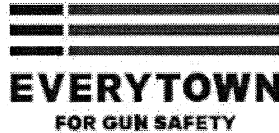



SO ORDERED.



Paul G. Gardephe
United States District Judge

EXHIBIT A

The Everytown Marks consist of the following U.S. Trademark Registration registered with the United States Patent & Trademark Office and any associated common law rights thereto.

	U.S. Registration No. and/or Serial No.	Trademark
1	5142124	EVERYTOWN
2	5092082	EVERYTOWN
3	5223511	EVERYTOWN FOR GUN SAFETY ACTION FUND
4	5142128	EVERYTOWN FOR GUN SAFETY SUPPORT FUND
5	4569205	MOMS DEMAND ACTION
6	5092084	MOMS DEMAND ACTION
7	5142125	
8	5142126	
9	5092083	
10	6213804	
11	5151549	